

Attorney Docket No.: RCK0017US.NP
Inventors: Fuchs et al.
Serial No.: 10/580,511
Filing Date: February 13, 2007
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REMARKS

Claims 1-20 are pending in this application. No new matter has been added. Applicants are respectfully requesting reconsideration of the restriction requirement in view of the following remarks.

The claims of the present application have been subjected to a Restriction Requirement under 35 U.S.C. §121 and §372. The Examiner suggests that restriction of the present invention into the following groups is required:

Group I, claims 1-16, drawn to a method for isolating a self-renewing multipotent, slow-cycling cell comprising obtaining a population of cells from a sample and sorting the population of cells based on the presence of CD34 and the amount of a selected slow cycling cell marker expressed by each cell, and cells isolated by said method, and a method of generating a clonal population of self-renewing multipotent cells;

Group II, claim 17, drawn to a method for inhibiting the growth of a selected cell comprising contacting a selected cell with an effective amount of BMP6 or FGF-18, thereby inhibiting the growth of the selected cell; and

Group III, claims 19-20, drawn to a non-human transgenic animal model whose genome contains a transgene comprising a nucleic acid sequence of a tetracycline response element operably linked to a nucleic acid sequence of a minimal promoter which is further operably linked to a nucleic acid sequence encoding a long-lived reporter protein.

The Examiner suggests that Groups I-III do not relate to a single general inventive concept under PCT Rule 13.1 because under PCT Rule 13.2, they lack the same or corresponding special

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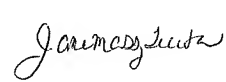
technical features. It is suggested that Group I is considered the main invention to the product first mentioned in the claims, and the first recited invention drawn to other categories related thereto, wherein the special technical feature is considered to be a self-renewing multipotent slow-cycling cell. The special technical feature of Group II is considered to be inhibition of growth of selected cells by contacting the cells with an effective amount of BMP6 or FGF-18. The Examiner further suggests that the special technical feature of Group III is considered to be a non-human transgenic animal model whose genome contains a transgene comprising a nucleic acid sequence of a tetracycline-response element operably linked to a nucleic acid sequence of a minimal promoter which is further operably linked to a nucleic acid sequence encoding a long-lived reporter protein. The Examiner concludes that the Groups are not so linked by the same or corresponding technical feature as to form a single general inventive concept. Applicants are required to elect one of the Groups to be examined.

Applicants respectfully disagree with this restriction requirement. However, in an earnest effort to be completely responsive, Applicants hereby elect to prosecute Group I, claims 1-16, drawn to a method for isolating a self-renewing multipotent, slow-cycling cell comprising obtaining a population of cells from a sample and sorting the population of cells based on the presence of CD34 and the amount of a selected slow cycling cell marker expressed by each cell, and cells isolated by said

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method, and a method of generating a clonal population of self-renewing multipotent cells, with traverse.

Respectfully submitted,



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